

Notice of Allowability

Application No.

09/657,632

Examiner

Elias Desta

Applicant(s)

GRAICHEN ET AL.

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response/amendment filed on January 11, 2005.
2. ☒ The allowed claim(s) is/are 1,3-8,10-15,17-22 and 24-26.
3. ☒ The drawings filed on 06 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 02/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Detailed Action

Argument/Amendment

1. Applicant's arguments, see amendment filed on January 11, 2005, with respect to claims 1, 8, 15 and 22 have been fully considered and are persuasive. The rejection of claims 1, 3-8, 10-15, 17-22 and 24-26 has been withdrawn. The amendment to the independent claims 1, 8, 15 and 22 has been approved.

Allowance

2. Claims 1, 3-8, 10-15, 17-22 and 24-26 are allowed. The following is an examiner's statement of reasons for allowance:

In reference to claims 1, 8, 15 and 22: *Rollins, III* (U.S. Patent 6,606,848) teaches a method for providing efficiency and cost analysis for a power generation unit (see *Rollins, III*, Figs., 16-20, 27B and 28). The method includes:

- Acquiring a plurality of current condition variables for the power generation unit (see *Rollins, III*, Fig. 36);
- Acquiring a plurality of design constraints for the power generation unit (see *Rollins, III*, Figs. 44 and 50);
- Acquiring a plurality of alternative target operation variables for the power generation unit (see *Rollins, III*, Figs. 18 and 19); and

- Calculating operational efficiency of the power generation unit (see Rollins, III, column 36, line 34 to column 37, line 63) based upon the plurality of current condition variables (see column 41, lines 5-29), plurality of alternative target operation variables (see column 41, line 50 to column 42, line 52, the use of waste heat and supplemental firing) and plurality of design constraints (see column 39, lines 1-27, effect of water wall construction on HRSG).

The parameter noted in Rollins, III, the parameters are used in the denominator of the efficiency calculation where such starting requires the input of energy whereby reduces overall efficiency, and Rollins, III does not teach evaluation of efficiency based upon alternative turbine stage variables. Further, the claimed invention includes open or closed turbine stage variables.

Citation of pertinent prior art:

- Martz et al. (U.S. Patent 4,031,404) teaches combined cycle electric power plant and heat recovery steam generator having improved temperature control of the steam generated.

The remaining claims are dependent upon claims 1, 8, 15 and 22 and contain further limitations.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elias Desta whose telephone number is (571)-272-2214. The examiner can normally be reached on M-Thu (8:30-7:00).

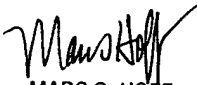
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)-272-1750.

Elias Desta
Examiner
Art Unit 2857

-ed

January 25, 2005


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800